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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JUDY KROSHUS, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

3:08-cv-246-LDG-RAM

ORDER ON (# 460)  
MOTION FOR ORDER PROVIDING  
FOR CLAWBACK OF INFORMATION  
INADVERTENTLY DISCLOSED

ALICIA UHOUSE, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
THE INTERIOR, et al.,

Defendants.

3:08-cv-0285-LDG-RAM

ORDER ON (# 217)  
MOTION FOR ORDER PROVIDING  
FOR CLAWBACK OF INFORMATION  
INADVERTENTLY DISCLOSED

BILL ADAMSON et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

3:08-CV-621-LDG-RAM

ORDER ON (# 93)  
MOTION FOR ORDER PROVIDING  
FOR CLAWBACK OF INFORMATION  
INADVERTENTLY DISCLOSED

1 LARRY J. MOORE, et al., ) 3:09-CV-167-LDG-RAM  
 2 )  
 3 Plaintiffs, ) ORDER ON (# 81)  
 4 v. ) MOTION FOR ORDER PROVIDING  
 5 UNITED STATES OF AMERICA, ) FOR CLAWBACK OF INFORMATION  
 6 Defendant. ) INADVERTENTLY DISCLOSED

7 JAMES ADGETT, et al., ) 3:09-CV-649-LDG-RAM  
 8 )  
 9 Plaintiffs, ) ORDER ON (# 42)  
 10 v. ) MOTION FOR ORDER PROVIDING  
 11 UNITED STATES OF AMERICA, ) FOR CLAWBACK OF INFORMATION  
 12 INADVERTENTLY DISCLOSED

13 JUDY KROSHUS, et al., ) 3:09-CV-713-LDG-RAM  
 14 )  
 15 Plaintiffs, ) ORDER ON (# 111)  
 16 v. ) MOTION FOR ORDER PROVIDING  
 17 UNITED STATES OF AMERICA, et ) FOR CLAWBACK OF INFORMATION  
 18 al., ) INADVERTENTLY DISCLOSED  
 19 Defendants.

20 BILL ADAMSON et al., ) 3:09-cv-715-LDG-RAM  
 21 )  
 22 Plaintiffs, ) ORDER ON (# 48)  
 23 v. ) MOTION FOR ORDER PROVIDING  
 24 UNITED STATES OF AMERICA, ) FOR CLAWBACK OF INFORMATION  
 25 Defendant. ) INADVERTENTLY DISCLOSED

26 This matter came on for hearing before the Court on August  
 27 3, 2010. There being no objection to the proposed order and good  
 28 cause appearing therefor, IT IS HEREBY ORDERED AS FOLLOWS:

1           1. It is recognized that the prosecution  
2           and defense of these related actions will  
3           require each party to review and to disclose  
4           large quantities of information and documents  
5           through the discovery process. As a result,  
6           documents and images of documents already  
7           deposited or to be deposited with Sunshine  
8           Litigation Services ("Sunshine")  
9           inadvertently could include materials subject  
10          to privilege or other legally recognized  
11          protection (hereinafter "privileged  
12          information") and therefore not subject to  
13          disclosure in discovery. Such inadvertent  
14          disclosure of privileged information or  
15          documents is possible despite due diligence  
16          and reasonable care taken to protect  
17          privileged information.

18          2. Any party who has deposited materials  
19          with Sunshine may request the other parties  
20          to return privileged documents inadvertently  
21          produced with non-privileged documents. Such  
22          a request shall identify the document with  
23          particularity and state the privilege or  
24          protection being asserted and the basis for  
25          the asserted claim.

26          3. Any party who has deposited  
27          materials with Sunshine may assert a claim of  
28          privilege after receiving notice that another  
29          party intends to refer to, quote, cite, rely  
30          upon or otherwise use the material or  
31          information contained therein. In asserting  
32          such a claim of privilege, the depositing  
33          party shall at a minimum identify the  
34          document with particularity and state the  
35          privilege or protection being asserted and  
36          the basis for the asserted claim. Such a  
37          claim shall be made in a timely manner so  
38          that the claim of privilege may be challenged  
39          and any such challenge resolved without undue  
40          delay. A claim of privilege made within 21  
41          days after receiving such a notice shall be  
42          regarded as timely.

43          4. If a party does not agree with the  
44          assertion of a claim of privilege by a  
45          depositing party under paragraphs 2 or 3, it  
46          shall notify the depositing party within 14  
47          days after the receipt of the claim of  
48          privilege. The depositing party may, after  
49          meeting and conferring as required by

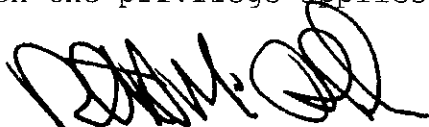
1 applicable rules, move the court for a  
2 determination of that claim. The failure of  
3 the depositing party to file such a motion  
4 within 30 days after receiving notification  
5 by another party of a disagreement regarding  
6 a claim of privilege shall operate as a  
7 waiver of the claim.

8 5. Once a document or information has  
9 been identified as privileged in accordance  
10 with paragraphs 2 or 3, no party shall in any  
11 way copy, reproduce, refer to, quote, cite,  
12 rely upon or otherwise use in any manner, any  
13 such document or its contents in any  
14 proceeding unless and until the Court  
15 determines that the document is not protected  
16 from discovery or the depositing party  
17 withdraws or waives the claim of privilege  
18 (except that the document or information may  
19 be identified or produced, under seal or in  
20 camera, in connection with a motion regarding  
21 the validity of the claim of privilege).

22 6. If the claim of privilege is upheld  
23 by the Court or the receiving party does not  
24 challenge the claim of privilege, all copies  
25 of the privileged documents so identified  
26 shall be returned to the depositing party and  
27 counsel for each party shall certify in  
28 writing to counsel for the depositing party  
that all such documents have been returned.

7. Inadvertent disclosure of any  
information or document which the depositing  
party later claims should not have been  
disclosed because of any privilege will not  
be deemed to constitute a waiver of the  
privilege. No parties shall claim or  
otherwise urge the Court to deem a privilege  
to have been waived solely on the basis of  
the inadvertent disclosure of the information  
or documents to which the privilege applies.

23 Date: Aug. 4, 2010

  
ROBERT A. McQUAID, JR.  
United States Magistrate Judge

## CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing (proposed) ORDER ON MOTION FOR ORDER PROVIDING FOR CLAWBACK OF INFORMATION INADVERTENTLY DISCLOSED was made through the Court's electronic filing and notification or by sending a copy thereof by electronic mail from Reno, Nevada, addressed to the following addressee(s) on August 3, 2010.

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